

①

5

Chatt

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 2640 of 2002.

PETITIONER

: Yogesh Kumar Sharma, aged about
72 years, S/o Shri K.P.Sharma,
resident of D-3, Vidya Up-Nagar,
Bilaspur, Distt. Bilaspur (C.G.).

V E R S U S

RESPONDENTS

- : (1) President, Bilaspur Zila
Sahakari Sangh Maryadit, Bilaspur
(C.G.).
- (2) Joint Registrar, Zila Sahakari
Sangh, Bilaspur, Distt. Bilaspur
(C.G.).
- (3) Additional Commissioner, Bilaspur
Division, Bilaspur, Distt. Bilaspur
(C.G.).
- (4) State of Chhattisgarh
Through : Collector, Bilaspur (CG)
- (5) The Tahsildar, Bilaspur, Distt.
Bilaspur (C.G.).



WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION
OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF DIRECTION,
MANDAMUS....etc.

1. PARTICULARS OF PETITIONER :

As mentioned above in cause title.

2. PARTICULARS OF RESPONDENTS :

As mentioned above in cause title.

....contd....

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मायला क्रमांक (W.P. 2640) सन् 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	01/02/2005: - Shri V.K. Pandey learned counsel for the petitioner. Shri M.D. Sharma learned counsel for respondent No.1. Shri Satish Gupta, learned Dy. G.A., for the State/respondents 2, 3, 4 and 5. Heard. The petitioner has filed this petition for issuance of a direction to respondent No.1 for payment of Rs.77,689/- as the amount of gratuity with interest at the rate of 24% per annum within stipulated period. He has also prayed for quashing of the order dated 24/08/2002 (Annexure-P/1) passed by respondent No.3. The case of the petitioner is that the Controlling Authority, Payment of Gratuity Act, Bilaspur has passed an order dated 07/08/1996 (Annexure-P/2) in Claim Case No.13/PGA/94 by which a sum of Rs.77,689/- has been awarded as the amount of gratuity to the petitioner along with some consequential order. A Revenue Recovery Certificate of the aforesaid amount was also issued and the matter was processed through the Court of Tahsildar, Bilaspur. It is submitted that an objection was taken before the Tahsildar by respondent No.1 and the Tahsildar overruled the aforesaid objection. Against the aforesaid order passed by the Tahsildar, respondent No.1 preferred an appeal before the Sub Divisional Officer, Bilaspur vide Appeal No.148-A-76/2001. The appeal was also dismissed by the Sub Divisional Officer. After dismissal of the aforesaid appeal, respondent No.1 filed second	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2640 सन् 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	appeal before the Commissioner vide No.A-76/634 of 2001-2002. In the said appeal, the Commissioner passed an order of stay on 24/08/2002. A copy of this order has been filed as Annexure-P/1. Learned counsel appearing for the petitioner submits that in lieu of the aforesaid order of stay granted by the Commissioner, the Revenue Recovery Certificate issued through the Tahsildar in pursuance of the aforesaid order passed by the Controlling Authority for realization of the amount of gratuity namely Rs.77,689/- has been kept in abeyance. Learned counsel appearing for respondent No.1 submits that against the order passed by the Controlling Authority a civil suit was filed in the Civil Court, Bilaspur. He further submits that as the suit was dismissed against which an appeal has been preferred before the High Court of Madhya Pradesh at Jabalpur. On being asked by this Court, learned counsel appearing for respondent No.1 submits that no order of stay etc has been passed in the aforesaid appeal. Hence, the order passed by the Controlling Authority is still in force. During the course of argument, learned counsel appearing for the petitioner submits that a direction may be issued to the concerned Revenue Court now the Revenue Board where the aforesaid appeal of respondent No.1 is pending that the appeal should be decided within stipulated period so that in case the appeal is dismissed, the effect and operation of the Revenue Recovery Certificate shall be regained and	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. 2640 सन् 2002

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	the amount in question shall be realized from respondent No.1. Learned counsel for respondent No.1 has no objection to the said limited prayer made by the learned counsel for the petitioner. In the facts and circumstances of the case, it is directed that the revenue appeal filed before the Commissioner, Bilaspur and presently said to be pending before the Board of Revenue shall be disposed of within a period of two months from the date of production of the certified copy of this order before the concerned Court. With the aforesaid directions, the petition stands finally disposed of. Parties are entitled for certified copy of this order.	Sd/- Sunil Kumar Sinha Judge